

The George Washington University

# Faculty Code

1996



The Board of Trustees of The George Washington University has authorized the publication of this recodification (first printing, 1937; second printing, 1945; third printing, 1958; fourth printing, 1964; fifth printing, 1976; sixth printing, 1980; seventh printing, 1986; eighth printing, 1996) of the Faculty Code governing the academic personnel, together with Procedures for the Implementation thereof.

This recodification was adopted by the Board of Trustees at its meeting on October 25, 1996, as recommended in part by the Committee on Professional Ethics and Academic Freedom of the Faculty Senate, the Faculty Senate, and the President of the University. The University is indebted to several committees of the Faculty and of the Board of Trustees and to the administrative officers for their work in compiling and revising these rulings, which constitute the statement of the rights and privileges, and the responsibilities, of the academic personnel of the University.

October, 1996

Jean Antoine Houdon (1741-1828)  
*George Washington*  
 Cast bronze by The Gorham Foundry  
 6' 8" h.  
 The George Washington University  
 Permanent Collection

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**Amendments to the 1996  
Edition of the *Faculty Code***

**Amendments — February 12, 1999**

By action of the University's Board of Trustees, February 12, 1999, Article IV, Section A,3.1,c), appearing on page 6, was amended as follows:

c) A faculty member of the rank of assistant professor or higher who will not be granted tenure at the end of the final year of his or her maximum term of appointment shall be so notified in writing no later than June 30 preceding the year in which his or her appointment will expire. However, notwithstanding any other provisions of Articles IV and V of the Faculty Code, if a decision on tenure has not become final by such June 30 deadline due to a failure to resolve an administrative nonconcurrence with a faculty recommendation, the June 30 deadline may be extended for up to 60 days, provided the appropriate administrative officer has given written notice of such extension to the faculty member no later than the original June 30 deadline. A faculty member who does not receive notice of denial of tenure by the date required under the preceding two sentences shall not be granted tenure at the end of his or her pending term of appointment, but instead shall be granted a one-year extension of such term. If not notified by June 30 of the final year of the non-extended term of appointment that tenure will not be granted, he or she will acquire tenure at the end of the extended term.

By action of the University's Board of Trustees, February 12, 1999, Article V, Section B,3, appearing on page 11, was amended as follows:

**3. Dismissal and Late Notice**

Dismissal of a faculty member during a non-tenured appointment, or the nonrenewal of such an appointment with less than the required advance notice, shall be preceded by a statement of reasons, and shall be subject to the provisions of Article X of this Code.

#### **Amendments — May 14, 1999**

By action of the University's Board of Trustees, May 14, 1999, Article IV, Section E, appearing on page 10, was amended as follows:

##### **E. Nondiscrimination**

Appointments, renewals, terminations, promotions, tenure, compensation, and all other terms and conditions of employment shall be made solely on the basis of merit and without regard to race, color, religion, sex, sexual orientation, national origin, or other considerations prohibited by law.

By action of the University's Board of Trustees, May 14, 1999, Article VI, Section A, appearing on page 13, was amended as follows:

A. When circumstances permit, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty on approval of the department or other appropriate unit (if applicable), the appropriate dean(s), and the Vice President for Academic Affairs. Except for unpaid leaves of absence taken under the Family and Medical Leave Acts, unpaid leaves shall not normally exceed two consecutive academic years, although under unusual circumstances additional unpaid leave may be granted.

**May 1999**

## *Faculty Code*

### Governing the Academic Personnel of the University

The Board of Trustees of The George Washington University, by virtue of the authority vested in it by the University Charter, hereby establishes the following Faculty Code. The Faculty Code applies to all University faculty in all schools, divisions, departments, and comparable educational divisions. Constitutions, by-laws, and established procedures of governance devised by subdivisions of the University are subordinate to the letter and spirit of the Faculty Code.

#### **I. GRADES OF ACADEMIC PERSONNEL**

The grades of academic personnel are:

##### **A. Retired Status**

University professor emeritus, professor emeritus, professor emeritus in residence, associate professor emeritus, associate professor emeritus in residence, and retired (in any given rank for age or disability).

##### **B. Active Status**

**1. Regular:** University professor, professor, associate professor, assistant professor, and instructor. Each of the regular, active-status ranks may be tenure-accruing or non-tenure-accruing as specified in the original letter of appointment. However, the proportion of regular, active-status faculty serving in non-tenure-accruing appointments shall not exceed 25 percent in any school, nor shall any department have fewer than 50 percent of its regular, active-status faculty appointments either tenured or tenure-accruing. The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions, nor to the faculty of the Law School.

**2. Limited Service:** Adjunct professor, adjunct associate professor, adjunct assistant professor, adjunct instructor, clinical professor, professorial lecturer,

associate clinical professor, associate professorial lecturer, assistant clinical professor, assistant professorial lecturer, clinical instructor, lecturer, studio instructor, special lecturer, fellow, teaching fellow, and graduate teaching assistant.

**3. Visiting:** Visiting professor, visiting associate professor, visiting assistant professor, and visiting instructor.

**4. Research Staff:** Members of the research staff may be appointed, upon recommendation of the appropriate faculty and officers of the administration, as research professor, associate research professor, assistant research professor, and research instructor. Such appointments do not provide tenure.

#### **II. ACADEMIC FREEDOM**

A. A faculty member shall enjoy freedom of investigation subject only to legal restrictions and such guidelines as shall be recommended by the Faculty Senate and adopted by the University.

B. A faculty member shall enjoy freedom of expression. In the classroom, a faculty member's exposition shall be guided by requirements of effective teaching, adherence to scholarly standards, and encouragement of freedom of inquiry among students. In speaking and writing outside the University, a faculty member shall not attribute his or her personal views to the University.

#### **III. PROFESSIONAL RESPONSIBILITIES**

A. Members of the faculty shall perform well their academic duties, strive for professional development, and apply their talents to the service of their professions and their community.

B. Members of the faculty are responsible for maintaining standards of professional ethics and for the fulfillment of faculty responsibilities.

C. Members of the faculty shall not permit their research to interfere with their teaching duties. In the classroom, they shall be responsible for the character of the instruction, the maintenance of good order,

and the observance of University regulations. Faculty members shall make adequate preparation for their classes and conduct them in a dignified, courteous manner. They shall meet classes on time, hold classes for the full period, evaluate academic performance fairly and reasonably and report evaluations promptly, and report promptly to the appropriate dean matters requiring disciplinary action and matters relating to the physical condition of classrooms and laboratories. If a student alleges an instance of arbitrary or capricious academic evaluation, the allegation shall be heard and reviewed through orderly faculty peer review procedures established by the dean and faculty of the school in which the contested academic evaluation takes place; should such peer review processes find in favor of and uphold the complaint of the student, yet the faculty member persists in refusing to alter the academic evaluation at issue, the Dean's Council and dean shall afford the student an appropriate remedy after consultation with the peer review body.

D. Members of the faculty shall perform their other academic duties conscientiously; they shall attend faculty meetings, commencement exercises, convocations, and other academic events; serve on faculty or University committees; assist in the administrative work of their departments and in the general administrative work of the University; and serve as general or departmental advisers to students.

E. Members of the active-status faculty shall strive to grow in professional competence by means of effective teaching and sound scholarship. They shall strive for the advancement of knowledge in their fields by individual research and by participation in the activities of professional societies.

F. Regular, active-status members of the faculty shall have the primary responsibility of devoting their time, thought, and energy to the service of the University. No such member of the faculty shall accept an outside teaching appointment during the academic year or engage in any other regular activity of a remunerative nature without the approval of the Uni-

versity. Even when officially approved, such employment shall not be permitted to interfere with a faculty member's responsibility to the University.

#### **IV. APPOINTMENT, REAPPOINTMENT, TENURE, AND PROMOTION**

##### **A. Appointment**

###### **1. Statements of Terms and Conditions**

- a) New faculty appointments shall be made by a letter signed by the appropriate corporate officer of the University. The appointee may accept the appointment by signing a copy of the letter of appointment and returning it to the University. A copy of this Code and the Procedures for the Implementation of the Faculty Code shall accompany or precede the letter of appointment and shall be considered part of the agreement between the faculty member and the University.
- b) Tenured members of the faculty and faculty members (except those appointed in the Medical Center) whose appointments do not expire or whose appointments will be renewed shall be notified in writing annually, on or about May 15, of changes in rank or of other terms and conditions of service for the next academic year and further shall be notified annually in writing of changes in salary, no later than November 1.

###### **2. Limited Service Appointments**

All appointments to limited service active status (as defined in Article I, Section B, Paragraph 2) shall be for a specified period of a year or less. Such appointments may be renewed an unlimited number of times.

###### **3.1 Regular Tenure-Accruing Appointments**

- a) All appointments or reappointments to regular, active-status positions shall be for a specified term except for those that confer tenure.

- b) The total of such terms, including all full-time service at the rank of instructor or higher in this or other recognized institutions of higher learning, shall not exceed seven years. The following provisions apply:

- 1) A faculty member with more than three years' previous full-time service at another institution may be appointed at any rank below that of professor without tenure for four years as a term or condition of his or her initial appointment, even though his or her total period of service in the academic profession is thereby extended beyond seven years.
  - 2) Leaves of absence to engage in authorized teaching or research activities at another institution shall be included in this seven-year period.
  - 3) Leaves for study toward a degree, leaves for military or for personal reasons, and defense leave shall not be included in this period. A partial leave for family or medically related purposes of sufficient duration may justify an appropriate partial extension of the probationary period.
- c) A faculty member of the rank of assistant professor or higher who will not be granted tenure at the end of the final year of his or her maximum term of appointment shall be so notified in writing no later than June 30 preceding the year in which his or her appointment will expire in accordance with Article V, Section B, hereof. Any such faculty member who is not so notified shall acquire tenure at the end of the term.

### 3.2 Regular Non-Tenure-Accruing Appointments

- a) Letters of appointment to positions that will not normally lead to the consideration of the appointee for tenure shall include a statement to that effect.
- b) Members of the faculty who are stationed at affiliated institutions and assigned to educational programs of the Medical Center and who have been appointed to regular, active-status positions without tenure prior to the effective date of this Code may continue to be appointed without tenure.

### 4.1 Stated Periods by Rank for Regular Tenure-Accruing Appointments

- a) **Instructors**  
Instructors shall be appointed for an initial period of one year and may be reappointed for not more than three additional one-year periods. No reappointments shall, except by special action of the Board of Trustees upon recommendation by the appropriate faculty body and the appropriate officers of administration, extend any individual's total period as an instructor beyond four years. Tenure shall not be conferred at this grade.
- b) **Assistant Professors**  
Assistant Professors may be appointed for a period of not more than three years and may be reappointed, with or without tenure, for one or more additional periods.
- c) **Associate Professors**  
Associate Professors may be appointed, with tenure or for a period of not more than four years without tenure, and may be reappointed, with or without tenure, for one or more additional periods.
- d) **Professors**  
Professors may be appointed with tenure, or for a period of not more than three years without tenure.
- e) **University Professors**  
University Professors shall be appointed with tenure. The process of making such appointments shall be as follows:
  - 1) The candidate shall be recommended by one or more departments or schools; and
  - 2) The candidate shall be recommended by the Executive Committee of the Faculty Senate and/or by a faculty committee appointed by the President; and
  - 3) The candidate shall be recommended by the Vice President for Academic Affairs and by the President, the appointment to be approved by the Board of Trustees.

#### **4.2 Stated Periods by Rank for Regular Non-Tenure-Accruing Appointments**

Faculty members with regular, non-tenure-accruing appointments at any rank may be reappointed to the same rank or to a higher one as many times as the needs of the University may require.

#### **5. Criteria and Procedures for Appointments**

Each school or comparable educational division shall establish and publish criteria on which regular faculty appointments will be based. Additional criteria that may exist in the departments shall also be published. Each department or nondepartmentalized school shall establish and publish the procedures to be followed for recruitment, assembling all relevant information, and making recommendations for appointments to the regular faculty.

#### **B. Promotion**

1. Promotion shall be dependent upon professional competence as evidenced by teaching ability, productive scholarship, participation and leadership in professional societies, service to the University, and public service.
2. As general practice, a promotion shall be accompanied by an appropriate increase in salary.
3. Each school or comparable educational division shall establish and publish criteria on which promotion will be based. Additional criteria that may exist in departments shall also be published. Each department or nondepartmentalized school shall establish and publish the procedures followed for making decisions concerning promotions.
4. Each department or school shall establish procedures for periodically informing faculty members whether they are making satisfactory progress toward promotion.

#### **C. Tenure**

1. Tenure shall be dependent upon professional competence as evidenced by teaching ability, productive scholarship, participation and leadership in professional societies, service to the University, and public service. Upon a specific showing that the academic needs of the University have changed with respect to a particular position, that factor may also be considered in determining whether tenure shall be granted.

2. Each school or comparable educational division shall establish and publish criteria on which the granting of tenure will be based to implement the factors itemized in Paragraph 1. Such criteria shall be stated separately from the criteria for promotion. Any additional criteria for tenure that may exist in departments shall also be published. Each department or nondepartmentalized school shall establish and publish the procedures followed for making decisions concerning tenure.

3. To aid faculty members in assessing their potential for achieving tenure, each department, division, or comparable program shall establish procedures for informing individual faculty members, upon request, concerning probable status with regard to tenure. Such information will not constitute a commitment to recommend tenure.

#### **D. School-Wide Personnel Committees**

To implement the procedures required in Sections B.3 and C.2 above, each school shall establish a school-wide personnel committee, either as an elected standing committee or of the school faculty acting as a committee of the whole, to consider recommendations for appointments with tenure, for promotion, or for tenure of regular full-time faculty. Such committees may request additional information, documentation, or clarification respecting such recommendations. Further:

1. An elected standing committee, sitting in review of recommendations originating from a department or equivalent unit, shall advise the dean of that school



whether the candidate has met the relevant school and department criteria and whether it has identified any "compelling reasons" that may exist for not following the departmental or unit recommendation. Such advisories shall not be construed as "faculty recommendations" as defined by Section B.3. of the Procedures for Implementation of the Faculty Code.

2. When the faculty of a school, sitting as a committee of the whole, serves as the school's personnel committee and initiates recommendations to the dean for appointments and actions affecting renewal of appointments, promotion, tenure designation, and termination of service, such recommendations shall be construed as "faculty recommendations" in the sense of the Procedures, Section B.3.

### **E. Nondiscrimination**

Appointments, renewals, terminations, promotions, tenure, compensation, and all other terms and conditions of employment shall be made solely on the basis of merit and without regard to race, color, religion, sex, national origin, or other considerations prohibited by law.

## **V. TERMINATION OF SERVICE**

### **A. Expiration of Definite Period Appointments**

All appointments for a definite period of service expire automatically with the completion of such period of service, subject, as appropriate, to the safeguards specified in this Article and in Article IV.

### **B. Termination of Non-Tenured Appointments**

#### **1. Notice of Nonrenewal of Appointment**

Written notice that an appointment is not to be renewed shall be given to a regular, active-status faculty member in advance of the expiration of his or

her appointment, according to the following minimum periods of notice:

- a) Not later than March 1 of the first academic year of faculty service in the University in the case of a one-year appointment;
- b) Not later than December 1 of the second academic year of such service in the case of a two-year appointment or the renewal of a one-year appointment;
- c) Not later than June 30 preceding the final academic year after two or more academic years of service in the University.

### **2. Notice by Member of Termination or Declination of Renewal**

A member of the faculty who desires to terminate an existing appointment or to decline a renewal shall give notice in writing no later than April 1 if the faculty member's rank is instructor or assistant professor, and no later than March 1 if the rank is higher, or within thirty days after receiving notice of the terms and conditions of service for the next academic year, whichever date is later; but the faculty member may properly request a waiver of this requirement in case of hardship or in a situation that might entail the denial of substantial professional advancement.

### **3. Dismissal and Late Notice**

Dismissal of a faculty member during a non-tenured appointment, or the nonrenewal of an appointment with less than the required advance notice, shall be preceded by a statement of reasons, and shall be subject to the provisions of Article X of this Code.

### **C. Termination of Tenure**

Grounds for termination: Until retirement of a faculty member in accordance with other provisions of this Code, and subject to the provisions of Article X, an appointment with tenure shall be terminable by the University only for adequate cause, termination of program, or on account of extraordinary financial

exigency, in the latter two cases after not less than twelve months' notice to the faculty member.

#### **1. Adequate Cause**

Adequate cause shall mean unfitness to perform academic duties because of:

- a) incompetence;
- b) lack of scholarly integrity;
- c) persistent neglect of professional responsibilities under this Code; or
- d) gross personal misconduct that destroys academic usefulness.

#### **2. Termination of Program**

The University may be required to terminate the appointments of tenured faculty members as a result of the termination of an entire instructional program because of a substantial decline in enrollment in the program or because of the expiration of grants, contracts, or other sources of funding on which the program's financial viability depends.

#### **3. Extraordinary Financial Exigency**

The University may be required to terminate the appointments of tenured faculty members because of extraordinary financial exigency. This drastic measure shall be considered only as a last resort, after every effort has been made by the University administration and the Board of Trustees to meet the need in other ways.

#### **4. Obligations of the University**

- a) Tenured faculty members shall not be dismissed because of termination of their program or extraordinary financial exigency until every effort has been made to place them in suitable positions elsewhere in the University.
- b) If an appointment with tenure is terminated because of termination of a program or an extraordinary financial exigency, and, within two years, the program is reinstituted or funds become available to restore the position, the released faculty

member's place shall not be filled until he or she has been offered and declined reappointment.

- c) Faculty members whose tenured appointments are terminated because of the termination of their program or because of an extraordinary financial exigency shall be provided severance payment of one year's salary beyond the date of termination of employment.

### **VI. LEAVE**

A. At any time, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty by the appropriate corporate officer.

B. When circumstances permit, the Board of Trustees shall grant sabbatical leave to a member of the faculty who has served six or more continuous years in a college or university in regular active-status, three years of which must have been served in this University, or who has served six or more years in regular active-status after a preceding grant of sabbatical leave. The request for sabbatical leave must be accompanied by an outline of the education, research, and/or self-improvement program the applicant proposes to follow if the leave is granted. Such leave must be recommended by the department or other appropriate unit, concurred in by the appropriate administrative official of the corresponding school and the Vice President for Academic Affairs, approved by the President of the University, and granted by the Board of Trustees of the University. By accepting a grant of sabbatical leave, faculty members obligate themselves to continue in the service of the University for at least one year following their leave unless the University agrees to some other arrangement. When faculty members are eligible for sabbatical leave, but for reasons of school or departmental convenience or necessity have their leave deferred, their next eligibility for sabbatical leave shall be computed from the time they became eligible for such leave, not from the date the

leave was actually granted. The University shall pay members of the faculty while on sabbatical leave 60% of their salary for two semesters or all of their salary for one semester. (The salary is paid as a compensation for the benefits received by the University from the efforts of the faculty member on leave.)

C. In the event of a national emergency, regular, active-status faculty members will be granted defense leave in accordance with the following provisions:

1. Members of the faculty given defense leave for the duration of an emergency will have the privilege of returning to the service of the University at the beginning of the semester following their release from service.

2. Members of the faculty on defense leave in a civilian status may be requested to return to the University and their defense leave terminated on sixty days' notice.

3. The return to University service of members of the faculty from defense leave is conditioned upon their mental, moral, and physical competence to resume their positions in the University.

## **VII. RETIREMENT**

A. Subject to the needs of the University, a full-time member of the faculty who is fully retired may be invited by the appropriate officers of the University to continue on a part-time basis and appointed for a renewable period not to exceed one academic year. Such appointee shall be designated "emeritus (or retired) in residence."

B. A member of the faculty with long and distinguished service to the University may, upon retirement, be awarded emeritus status. Emeritus status is recommended by the regular, active-status members of the faculty concerned and, with the concurrence of the administration, is awarded by the Board of Trustees. Those eligible for consideration for emeritus status are University professors, professors, adjunct professors, clinical professors, research professors, associate professors, and associate clinical professors. Faculty members in emeritus status shall

be entitled to use facilities as arranged with the administration of the University and to participate in faculty meetings without the right to vote. They may serve on committees and may perform such other services as are in keeping with their desires and with the needs of the University.

C. A retired faculty member may use facilities as arranged with the administration of the University and participate in faculty meetings without the right to vote.

D. Subject to programmatic needs, full-time tenured members of the faculty with ten years of continuous full-time service who are above 60 years of age may elect to continue for a mutually agreed period on a half-time or two-thirds time regular, active-status basis. Benefits and conditions of this reduced service will be as specified in the Faculty Handbook at the time the election is made to retire partially.

## **VIII. RETIREMENT ANNUITY**

The retirement plan for faculty and staff is a defined contribution plan with investment options provided under agreements with TIAA and other carriers. Full-time and regular part-time members of the faculty (as defined in the Faculty Handbook) and those continuing in reduced service under the provisions of Article VII, Section D, are eligible to participate.

## **IX. FACULTY ROLE IN UNIVERSITY DECISION MAKING**

A. The regular, active-status faculty shares with the officers of administration the responsibility for effective operation of the departments and schools and the University as a whole. In the exercise of this responsibility, the regular, active-status faculty plays a role in decisions on the appointment and promotion of members of the faculty and the appointment of the President, deans, departmental chairs, and other administrative officials with authority over academic matters. The regular, active-status faculty

also participates in the formulation of policy and planning decisions affecting the quality of education and life at the University. This participation includes an active role in the development, revision, or elimination of curricular offerings of each department or school. The regular, active-status members of the faculty of a school are also entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of departments, institutes, or other academic or research units making up a part of that school. The Faculty Senate or an appropriate committee thereof is entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of schools or other major components of the University.

B. The faculty cannot perform an effective and responsible role in University decision making without the cooperation of the administrative officers of the University. This cooperation includes the provision of such information as is necessary to the development of sound, well-informed recommendations. Faculty bodies charged with responsibilities for particular policy and planning areas are entitled, to the extent feasible, to be informed sufficiently in advance of important decisions within their areas of competence to be able to provide their advice or recommendations to the appropriate University officials.

## **X. RIGHTS, PRIVILEGES, AND RESOLUTION OF DISPUTES UNDER THIS CODE**

### **A. Rights and Privileges Under This Code**

The rights, privileges, and responsibilities of a faculty member, as conferred by this Code, shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities shall first be considered by the faculty member or members concerned, or by appropriate

representatives of the faculty, in cooperation with the responsible administrative officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article shall be fully utilized.

### **B. Grievances**

To maintain a grievance, the complaining party must allege that he or she has suffered a substantial injury resulting from a violation of professional rights or privileges concerning academic freedom, research or other scholarly activities, tenure, promotion, reappointment, dismissal, or sabbatical or other leave, arising from:

1. Acts of discrimination prohibited by federal or local law;
2. Failure to follow the Faculty Code, or Faculty Handbook, or other rules, regulations, and procedures established by the University;
3. Arbitrary and capricious University actions; or arbitrary and capricious applications of federal or local statutes and regulations; or
4. Retaliation for exercise of Code-protected rights.

## **XI. HEALTH SERVICE**

A. The University, recognizing the importance of the health of the teacher to professional competence, shall contribute to the cost of the current and any future basic health care program for all members of the faculty.

B. The facilities of the Emergency Room are available to members of the faculty in emergencies resulting from accidents or sudden, serious illness while on campus.

## **XII. CONSTRUCTION**

As used in this Code and the Procedures for Implementation, words that may imply the masculine gender shall be construed to refer to both the masculine and the feminine genders.

## **XIII. EFFECTIVE DATE**

Having been approved by the Board of Trustees of the University on October 25, 1996, this Code shall, as of that date, supersede all former codes and ordinances. The Board of Trustees of the University directs that this revised Faculty Code be published.

## *Procedures for the Implementation of the Faculty Code*

### **A. Governance of Departments and Schools\***

The regular, active-status faculty and tenured limited-service faculty of each department, school, or comparable educational division shall establish written procedures for the governance of that unit.

### **B. Faculty Participation in Action Concerning Faculty Membership**

1. The regular, active-status faculty of each school or comparable educational division shall establish procedures enabling an elected standing committee or committee of the whole to submit its recommendations on the allocation of regular-service, tenure-accruing appointments within that unit.
2. The regular, active-status faculty of the rank of assistant professor or higher of a department or of a nondepartmentalized school or comparable educational division shall, subject to such limitations or guidelines as may be established by the faculties of the respective schools, establish procedures enabling an elected standing committee or a committee of the whole to submit its recommendations for appointments. Recommendations for actions other than appointments concerning instructors, assistant professors, or associate professors shall be determined by the tenured members of the faculty of higher rank or of equal and higher rank, as the faculty may have determined by previously established procedures. Recommendations for actions other than appointments concerning professors shall be determined by tenured members of the rank of professor.
3. Appointments and actions affecting renewal of appointments, promotion, tenure designation, and

\*In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term "regular" faculty appears in this document.

termination of service shall normally follow faculty recommendations. Departures from this standard shall be limited to those cases involving compelling reasons. The appropriate administrative officer shall notify the Executive Committee of the Faculty Senate of any departures from faculty recommendations and the compelling reasons therefor. The faculty or the appropriate unit thereof shall also be notified unless the Board of Trustees determines that such notification would be contrary to the best interest of the individual or individuals concerned.

4. Faculty recommendations concurred in by the appropriate administrative officers shall be transmitted by them to the President, who shall transmit them to the Board of Trustees. Variant or nonconcurring recommendations from an administrative officer, together with supporting reasons, shall be sent by that officer to the Executive Committee of the Faculty Senate through the appropriate superior administrative officers. The Executive Committee may seek information and advice and make recommendations to the faculty or the appropriate unit thereof and to the appropriate administrative officers. If concurrence cannot be obtained after opportunity for reconsideration in the light of the recommendations of the Executive Committee, the recommendations of the appropriate administrative officers, accompanied by the recommendation of the faculty and the report of the Executive Committee, shall be transmitted to the Board of Trustees through the President, except that, at its discretion, the originating faculty unit may instead elect to leave the decision to the President.

### **C. Faculty Consultation and Recommendation in the Selection and Continuance of Academic Administrative Officers**

#### **1. Department Chairs**

The regular, active-status faculty members of a department of the rank of assistant professor and higher shall, subject to such limitations or guidelines

as may be established by the faculties of the respective schools, formulate procedures for making recommendations for filling vacancies in the post of department chair. The procedures shall provide for an elected committee of the regular, active-status members of the department, or an appropriate interdepartmental committee, to recommend a candidate for the position. Normally, the appointment shall be made in accordance with the recommendation. Should the appointing official not concur with the committee's recommendation, that official shall so inform the department concerned and shall indicate the reasons therefor. The committee shall, after consultation with the appointing official, make alternative recommendations until a nomination acceptable to both the department and the appointing official is reached.

#### **2. Deans, Associate Deans, Assistant Deans, and Similar Academic Administrative Officers**

- a) The academic administrative officers, such as deans, associate deans, assistant deans, Vice President for Medical Affairs, or other academic administrative officers of similar rank of a school or other academic unit shall be qualified for faculty membership by training and experience.
- b) Appointments to such positions shall be made only after a special or standing committee, elected by the regular, active-status faculty involved from among the faculty's tenured members, has established criteria (subject to the approval of that faculty as a whole), considered nominations, and reported its recommendations in accordance with the procedures established under Section A, above, to the faculty that elected it or to the appropriate academic administrative officer.
- c) Such appointees shall hold office only as long as they retain the confidence of the faculty concerned. A formal proceeding to question the continued confidence of the faculty of a school in an academic administrative officer shall be instituted only after faculty members have made a reasonable effort to bring the substance of their concerns to

the attention of such officers informally. The formal proceeding shall be conducted as follows:

1) A petition signed by one-third of the regular, active-status members of the rank of assistant professor or higher of the faculty concerned shall be submitted to the Chair of the Executive Committee of the Faculty Senate.

2) The Chair of the Executive Committee shall call a special meeting of the faculty concerned for consideration of the matter. The meeting shall be held within twenty days (on which classes are regularly held in the University) of the time the petition is submitted. Notice of the meeting shall be given to all of the faculty members eligible to vote on the matter.

3) The Chair of the Executive Committee shall preside over the meeting. At this meeting, procedures for balloting shall be determined.

4) Within ten days (on which classes are regularly held in the University) of the first special meeting, a secret ballot of the regular, active-status faculty of the rank of assistant professor or higher shall be taken at a special meeting or by mail on the question of confidence in the administrator involved. The balloting shall be supervised by the Executive Committee of the Faculty Senate.

5) The affirmative vote of a majority of faculty members eligible to vote shall be necessary for the passage of a vote of no confidence. If the resolution passes, the Chair of the Executive Committee shall forward the results of the proceedings to the President of the University for appropriate action.

### **3. Vice President for Academic Affairs, Associate or Assistant Vice Presidents for Academic Affairs**

Appointments to the position of Vice President for Academic Affairs or Associate or Assistant Vice President for Academic Affairs shall be made only after consultation with the Executive Committee of the Faculty Senate. The Executive Committee may submit names of proposed candidates for these positions and may advise concerning names proposed by

administrative officers. Appointees to these positions shall be qualified for faculty membership by training, experience, and continued interest in teaching and research. They shall retain office only as long as they retain the confidence of the Faculty Assembly.

### **4. Other Administrative Officers**

a) The faculty of a school, division, or other organizational unit or group of units shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters is limited to that unit or group of units. The regular, active-status faculty members of the rank of assistant professor and higher of the organizational unit or units concerned shall establish procedures and criteria for the formulation of such recommendations.

b) The Executive Committee of the Faculty Senate shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters comprehends all or substantially all of the University.

### **5. President of the University**

The Faculty Assembly shall elect a committee to advise and consult with the Board of Trustees or appropriate members thereof in the selection of a President.

### **D. Faculty Participation in Action Concerning Curriculum**

The regular, active-status faculty members of the rank of assistant professor and higher of each school shall establish procedures for their participation, directly or through elected standing committees, in decisions relating to the addition, revision, or elimination of curricular offerings.

## **E. Procedures for Implementation of Article X of the Faculty Code**

### **1. Dispute Resolution Committee**

The Faculty Senate shall elect a Dispute Resolution Committee of fifteen tenured, active-status faculty members, no more than three of whom shall be members of the faculty of any one school (except that four may be members of the faculty of Columbian School) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chair of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the dispute resolution procedures.

### **2. Preliminary Proceedings**

- a) Before instituting any formal proceedings concerning an alleged violation of the Faculty Code, the aggrieved party or parties shall exhaust all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.
- b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chair of the Executive Committee. The Executive Committee, once it has made its own determination that all reasonable efforts to achieve a resolution through informal consultation have been exhausted, shall appoint either a special mediator or a special mediation committee of three members, none of whom shall be members of the Dispute Resolution Committee; and this mediator or mediation committee shall conduct an informal investigation of the matter and attempt to effect expeditiously a mutually satisfactory resolution. The appointment shall be recorded in the minutes of the Faculty Senate.

- c) The special mediator or mediation committee shall report to the Executive Committee, with copies to the parties, only that a mutually satisfactory solution has been achieved, in which case the report should set forth the basis of the settlement or that it has been concluded that further efforts at mediation would be futile.

### **3. Formal Proceedings**

#### **a) Commencement of Proceedings**

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chair of the Dispute Resolution Committee, with copies sent to the Chair of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, specifying the rights or privileges under the Faculty Code alleged to have been violated, the specific act or acts alleged to constitute the violation, the identity of the remedy sought, and the reasons alleged to justify the remedy. No grievance may be maintained on the basis of error that did not affect the substantial rights of the complainant.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the complaining party or parties. The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

#### **b) Hearing Committee and Hearing Officer**

1) Upon receipt of the complaint and reply, the Chair of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the



members of the Dispute Resolution Committee, and a presiding Hearing Officer from a panel of names previously approved by the Executive Committee. The Hearing Officers shall be chosen from among University personnel of appropriate experience and training but need not be attorneys. The role of the Hearing Officer throughout these procedures is to assure an orderly, expeditious, and relevant hearing; to assure the development of a complete, fair, and reliable record; and to advise the Hearing Committee as to issues of substance and procedure. The Hearing Committee may request the replacement of the Hearing Officer at any time.

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by peremptory challenge. Any party may also seek to disqualify any member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chair of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of respondent's reply, the Chair of the Dispute Resolution Committee shall convene the Hearing Committee to review the complaint. If a majority of the Hearing Committee, after an opportunity for informal argument by the parties, finds that the complaint does not allege facts sufficient to state a grievance under the Code, or that the complaint is based upon evidence or allegations substantially the same as those that have been previously heard and decided, or that could have been presented in a previous hearing, the complaint shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If a majority of the Dispute Resolution Committee concludes that for

any of the reasons set out in this section a hearing is not warranted, the complaint shall be dismissed, in whole or in part, and the matters dismissed deemed closed.

4) On the determination that a hearing is warranted, the Hearing Committee shall be convened by the presiding Hearing Officer and shall establish a schedule for the hearing.

5) All three members of the Committee shall be present during the hearings and deliberations of the Committee, except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of substance or procedure necessary to the conduct of the hearing, subject to being overridden by a majority vote of the Hearing Committee; to ask questions and to control the development of testimony and of evidence in the record as deemed appropriate; to prepare a draft opinion for the use of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer does not vote on the ultimate questions of fact, substance, procedure, or policy, as these are acted upon by the Hearing Committee. The Hearing Officer signs dispositive orders of the Hearing Committee only to authenticate them.

7) Members of Hearing Committees, members of the Dispute Resolution Committee, and the parties shall avoid ex parte communications bearing on the substance of the dispute.

c) Procedure for Hearings

1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.

2) A grievance procedure is not a formal judicial proceeding. Its purpose is to provide a fair evalua-

tion of an allegation that a right or a privilege has been violated. In order to achieve that end, the Hearing Committee shall have authority to call any material witness who is a member of the University faculty, administration, or staff and any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; and to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties. The University will make a reasonable effort to facilitate the appearance of witnesses.

3) The procedure at the hearings shall be informal but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence that is not privileged. The Hearing Committee may decline to consider evidence when its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf; to call as material witnesses any member of the University faculty, administration, or staff and any other person who is willing to testify; to present written and other evidence; and to cross-examine witnesses called by other parties. A party shall be entitled to inspect and copy, in advance of the hearing, any relevant documents in the control of the other party and not privileged and may offer such documents or excerpts therefrom in evidence. The University will make a reasonable effort to facilitate the appearance of witnesses.

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party or the Hearing Commit-

tee, the Hearing Committee shall determine that it is in the best interest of the University and the parties that the hearings be closed.

7) At the conclusion of the presentation of evidence and argument from both sides, the Committee shall deliberate and reach a decision in closed session. In rendering its decision, the Hearing Committee shall not substitute its judgment for that of the maker of the decision being challenged, but rather it shall determine whether the grievant has established by clear and convincing evidence that he or she has suffered a substantial injury resulting from: 1) acts of discrimination prohibited by federal or local law; 2) the decision maker's failure to follow the Faculty Code, or Faculty Handbook, or other rules, regulations, and procedures established by the University; 3) arbitrary and capricious University actions, or arbitrary and capricious applications of federal or local statutes and regulations; or 4) retaliation for exercise of Code-protected rights.

8) The Hearing Committee shall render its findings and recommendations in a written report that shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chair of the Executive Committee of the Faculty Senate, and copies shall be transmitted to the parties and to the Chair of the Dispute Resolution Committee.

9) The hearing procedures shall be concluded and the Hearing Committee's findings and recommendations shall be rendered as soon as practicable.

#### 4. Appeals

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chair of the Dispute Resolution Committee and sending copies thereof to the Chair of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten calendar days of the receipt of the decision of the Hearing Committee.

- b) An appeal shall be heard by members of the Dispute Resolution Committee who were not members of the Hearing Committee, provided that members of the Dispute Resolution Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearings of the appeal. A quorum for hearing an appeal shall be two-thirds of those members of the Dispute Resolution Committee eligible under the terms of this section.
- c) The parties to an appeal shall be entitled to present written and oral argument. However, evidence not introduced in the hearing may not be considered on appeal.
- d) The Dispute Resolution Committee shall decide by majority vote and render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee. Copies of the opinion shall be transmitted to the parties and the Chair of the Executive Committee of the Faculty Senate.

## 5. Disposition

When the time for filing an appeal has expired without an appeal having been commenced, or when the appeal process has been completed and a final decision has been rendered, the record of the case, including the decisions of the Hearing Committee and the Dispute Resolution Committee, shall be transmitted to the President and the Board of Trustees for final disposition.

## F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

### 1. Commencement of Proceedings

- a) Proceedings to dismiss a tenured faculty member for adequate cause may be commenced by a complaint, addressed to the Chair of the Dispute Resolution Committee, signed by the Vice President for Academic Affairs and either the dean or the department chair who has administrative responsibility

for the faculty member concerned. The complaint shall set forth the grounds alleged to constitute adequate cause for dismissal. A copy of the complaint shall be delivered in hand to the faculty member concerned or shall be sent by registered mail to the faculty member's residence. A copy of the complaint shall also be sent to the Chair of the Executive Committee of the Faculty Senate.

- b) Proceedings may also be commenced by a petition, setting forth the grounds alleged to constitute adequate cause for dismissal and signed by a majority of the tenured faculty of the school of the faculty member concerned, or by twenty tenured members of that faculty, whichever is the lesser. A copy of the executed petition shall be delivered in hand to the faculty member concerned or sent by registered mail to his or her residence. Copies shall also be sent to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the Vice President for Academic Affairs.
- c) Within twenty calendar days of the receipt of the complaint, the faculty member concerned shall reply in writing, sending copies of the reply to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the Vice President for Academic Affairs. The reply shall set forth with particularity the responding faculty member's position with respect to each allegation of the complaint.

### 2. Hearing Committee

- a) Upon receipt of the complaint, the Chair of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of six members from among the members of the Dispute Resolution Committee.
- b) No member of the same department as the faculty member concerned and no one who has signed a petition seeking that faculty member's dismissal shall sit on the Hearing Committee. The faculty

member concerned may disqualify two members of the Hearing Committee by peremptory challenge and may also seek to disqualify a member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chair of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

- c) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chair from among its members to preside during the formal proceedings.
- d) All of the members of the Hearing Committee shall be present during the hearings and deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

### 3. Procedure for Hearings

The procedure for the hearings shall be the same as provided in Part E of these Procedures, except that the hearing shall be closed on the motion of the faculty member concerned, and that the Hearing Committee may recommend the dismissal of the faculty member concerned only by the affirmative vote of two-thirds of its members.

### 4. Appeals

The faculty member concerned may appeal the decision of the Hearing Committee in accordance with the procedures provided in Part E, Paragraph 4, of these Procedures.

### 5. Attorneys' Fees and Expenses

If a faculty member prevails against charges brought against him or her, the University may, upon recommendation of the Hearing Committee, reimburse the faculty member concerned for all or part of attorneys' fees and expenses actually incurred in his or her defense.

**VI. Amendment - - February 8, 1996**

**By action of the University's Board of Trustees, February 8, 1996, Article III, Section 2, subsection (a)(3), was amended to read:**

**"The faculty members of the Senate shall be elected by and from their faculties as follows: the Columbian School of Arts and Sciences, nine; the Graduate School of Education and Human Development, School of Engineering and Applied Sciences, School of Business and Public Management, School of Medicine and Health Sciences, and Law School, three each; and the Elliott School of International Affairs, two. The faculty members shall be professors. . . ."**

**AMENDMENTS TO THE 1987 EDITION OF THE  
FACULTY ORGANIZATION PLAN**

**I. Amendment -- April 13, 1990**

By action of the Faculty Senate, April 13, 1990, the Bylaws of the Faculty Senate, Section 10, were amended to change the name of the Faculty Senate "Committee on University Development and Resources" to:

**"Committee on Faculty  
Development and Support"**

**II. Amendment -- January 18, 1991**

By action of the Faculty Senate, January 18, 1991, the Bylaws of Faculty Senate, Section 10, were amended to change the name of the Faculty Senate "Committee on Athletics" to:

**"Committee on Athletics  
and Recreation"**

**III. Amendment -- March 21, 1991**

By action of the University's Board of Trustees, March 21, 1991, Article II, Section 3(a), first sentence, was amended to read:

**"(a) A regular meeting of the the Assembly shall be held at least once during the academic year."**

**IV. Amendment -- May 21, 1992**

By action of the University's Board of Trustees, May 21, 1992, Article III, Section 5, subsection (b), was amended to read:

**"The Executive Committee shall consist of seven faculty members of the Senate and the President ex officio. The following seven schools shall have one representative each: the Columbian School of Arts and Sciences, the Law School, the Graduate School of Education and Human Development, the School of Engineering and Applied Science, the School of Medicine and Health Sciences, the School of Business and Public Management, and the Elliott School of International Affairs. Any faculty member of the Senate shall be eligible . . . ."**

**V. Amendment -- April 8, 1994**

By action of the Faculty Senate, April 8, 1994, the Bylaws of the Faculty Senate, Section 10, were amended to change the name of the Faculty Senate "Committee on Admissions Policy and Student Financial Aid" to:

**"Committee on Admissions  
Policy, Student Financial  
Aid, and Enrollment  
Management"**

# Faculty Organization Plan

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# **THE GEORGE WASHINGTON UNIVERSITY FACULTY ORGANIZATION PLAN**

Originally put in operation in 1960; as amended most recently in 1987.

## **Article I. Purpose and Power**

### **SECTION 1. OBJECTIVE**

The objective of the Faculty Organization Plan is to enable the Faculty of The George Washington University, in keeping with sound principles of university organization, to perform effectively its functions and responsibilities with respect to educational policy and objectives of the University and related affairs in which the faculty has a legitimate concern or interest. The provisions of the Plan shall be interpreted and applied in accordance with the stated objective of the Plan.

### **SECTION 2. STRUCTURE AND POWERS**

The Faculty Organization shall consist of two bodies: the Faculty Assembly (hereafter "Assembly"), which shall consist of academic personnel holding the rank of professor, associate professor, assistant professor, or instructor who are in full-time service and the administrative personnel provided for hereafter; and the Faculty Senate (hereafter "Senate"), which shall be a representative body acting for the Faculty as the whole in legislative and advisory capacities. The powers, duties, and privileges of the Assembly and Senate shall be exercised in accordance with the Charter of the University and subject to the authority of the Board of Trustees, and they shall relate to matters that are of concern to more than one college, school, or division, or to the Faculty.

## **Article II. The Faculty Assembly**

### **SECTION 1. MEMBERSHIP**

The Faculty Assembly shall consist of the academic personnel holding the rank of professor, associate professor, assistant professor, or instructor who are full-time employees (or, in the School of Medicine and Health Sciences, the equivalent as defined in affiliation agreements) of a degree-granting college, school, or division of the University and the President, the Vice President for Academic Affairs, the Treasurer, the University Librarian, the Registrar, the Director of Admissions, and the officers of administration appointed by the President to the Senate. Vice presidents and other academic personnel in full-time service, and professors and associate professors emeriti, may attend meetings of the Assembly and shall be privileged to speak; but they shall not have the right to make motions or to vote.

### **SECTION 2. OFFICERS**

The President shall be Chairman of the Assembly, the Vice President for Academic Affairs shall be the Vice Chairman, and the Registrar shall be the Secretary.

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### Article III. The Faculty Senate

#### SECTION 1. FUNCTIONS

The Faculty Senate, on behalf of the Faculty, shall, with respect to matters that are of concern to more than one college, school, or division, or to the Faculty:

(1) Formulate principles and objectives and find facts, so as to recommend policies to the President;

(2) Provide the President and the Board of Trustees with advice and counsel on such matters as they may request;

(3) At the direction of the Assembly—or may, at the request of the faculty of any college, school, or division, or of individual faculty members, or on its own initiative—consider any matters of concern or interest to more than one college, school, or division, or to the Faculty, and make its recommendations or otherwise express its opinion with respect thereto, to the Assembly, the President, or through the President to the Board of Trustees;

(4) Be the Faculty agency to which the President initially presents information and which he consults concerning proposed changes in existing policies or promulgation of new policies.

#### SECTION 2. ORGANIZATION

##### (a) Membership

(1) The President shall be a member of the Senate ex officio, and he or another presiding officer may vote to break a tie vote.

(2) Persons who are otherwise eligible for election to and service in the Senate shall be members of the University and shall not be in a probationary status. Questions of eligibility for election and service shall be determined by the Senate.

(3) The faculty members of the Senate shall be elected by and from their faculties as follows: Columbian College of Arts and Sciences, nine; the Schools of Education and Human Development, Engineering and Applied Science, Government and Business Administration, Medicine and Health Sciences, and the National Law Center, three each; and the School of International Affairs and the Graduate School of Arts and Sciences, one each. The faculty members shall be professors, associate professors, or assistant professors in full-time service who have tenure as of the academic year next succeeding the date of election. Vice presidents, assistant vice presidents, deans, associate deans, assistant deans, and other faculty members whose duties are primarily administrative in nature shall be ineligible for election as faculty members of the Senate.

(4) The administrative members of the Senate shall consist of the Vice President for Academic Affairs, the Registrar, and a number of officers of administration equal to the number of degree-granting colleges, schools, and divisions. Administrative members shall have the right to debate but not to make motions or vote. They shall be appointed by the President and shall serve until their successors shall be appointed, but not less than one semester unless their service is terminated by separation from the University.

the Senate, and in his absence, the Vice President for Academic Affairs. The Registrar shall be Secretary of the officers of the Senate.

Senate shall be two years beginning . . . . If necessary, the terms shall be adjusted by the consent of the Senate, so as to elect one member each year.

shall be held subject to the following procedures determined by the faculty and the officers involved:

Permit nominations from the floor or by ballot as determined by the faculty of the school or by the Senate, determined at or prior to the election. There shall be at least two nominees for each position.

Any member of the Senate shall be eligible to vote.

Meetings shall be called by the academic deans of the schools each year. A quorum shall be that majority of the individual school, college, or university and the faculty meetings.

Members in the Senate membership or a representative shall be able to participate for any period, and shall be entitled to elect another member or pro tempore for the period of one year.

Meetings shall be held at stated intervals as determined by the Senate during each semester of the year. Meetings shall be called by the President, acting on his behalf, or by the Executive Committee or the Assembly or by the officers of the Senate.

A majority of the whole number greater than one-half of the members shall be exercised by the affirmative vote of the members present and voting, except in the case of a majority for particular business.

(c) The agenda for any meeting shall be made available in writing by the Secretary of the Senate to all members of the Senate at least seven days prior to the meeting in the case of regular meetings, and with the call in the case of special meetings, and shall be made available for inspection by all members of the Senate. If, at any regular meeting, any item of business is deemed sufficiently urgent by a majority of the faculty members of the Senate, or by two-thirds of the faculty members present and voting, whichever is the greater, action may be taken with regard thereto by the Senate at such meeting without its previous inclusion in the agenda.

(d) A summary of the minutes of each meeting shall be furnished by the Secretary of the Senate to all members of the Assembly and such administrative officers as the President shall designate. A copy of the full minutes shall be made available by the Secretary for inspection by any such member or officer.

(e) Except as otherwise provided herein, or required by the Assembly, the Senate may adopt such bylaws and other rules concerning its government and procedures as it considers appropriate.

#### SECTION 5. COMMITTEES

##### (a) General

There shall be three kinds of Senate committees: the Executive Committee, standing committees, and special committees. The Executive Committee and all standing committees shall meet as directed by the Senate, or as determined necessary by the committees themselves or their chairmen, but not less than once a year. Committee meetings shall be conducted according to orderly procedure, records of deliberations shall be kept, and reports shall be made to the Senate as often as required, but at least annually. Copies of all formal reports shall be filed with the Secretary and shall be available for inspection by members of the Assembly and the administrative officers of the University. Members of the Executive Committee and standing committees shall be elected for a term not exceeding one year. No member of the Executive Committee shall immediately succeed himself more than twice. The Senate shall establish such procedures for temporary replacement of members of the Executive Committee as shall seem necessary to assure that the Executive Committee would not be prevented from acting effectively in emergencies because of inability to assemble a quorum of its membership.

##### (b) The Executive Committee

The Executive Committee shall consist of seven faculty members of the Senate and the President ex officio. The following six schools shall have one representative each: the Columbian College of Arts and Sciences, the National Law Center, the School of Education and Human Development, the School of Engineering and Applied Science, the School of Medicine and Health Sciences, and the School of Government and Business Administration. The seventh seat shall alternate biennially between the Senate representatives of the School of International Affairs and the Graduate School of Arts and Sciences. Any faculty member of the Senate shall be eligible to be elected to the Executive Committee. The Chairman shall first be elected by the Senate; the Senate shall also elect the other six elective

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service. Special committees may be established by the Senate, and subcommittees may be established by the Senate or by its committees, and special committees and subcommittees shall be composed of such members as the Senate or its committees may provide. The chairman of every standing committee shall be a faculty member of the Senate, and every Senate committee and subcommittee shall include at least one faculty member of the Senate.

(3) The Senate may elect any person to membership in any Senate committee. The President may appoint to nonvoting membership in any standing or special Senate committee any officer of administration whose duties fall within the committee's scope.

#### Article IV. Amendments

Amendments to this University Faculty Organization Plan may be proposed to the Assembly by the President, by the Senate through petition to the President as Chairman of the Assembly, or by 100 of the faculty members of the Assembly. Voting on a proposed amendment by the Assembly may be at a regular or special meeting. For adoption of a proposed amendment by the Assembly, a favorable vote of either two-thirds of those voting, or a majority of the voting members of the Assembly, whichever is the lesser, shall be required. Amendments so adopted shall be submitted to the Board of Trustees for its approval and shall become effective only when so approved.

#### APPENDIX I

##### \*Rules of Procedure for Faculty Assembly Meetings

1. NOTICE OF MEETING. Notice of a meeting of the Assembly shall consist of the time and place of the meeting, the type of meeting, whether regular or special, the means by which the meeting has been called, and the Agenda prepared by the President; and the Secretary shall put the Notice in the University mail at least ten days (not including the meeting day) prior to the meeting day.
2. PRESIDING OFFICER. The President shall be Chairman of the Assembly and its presiding officer. In the absence of the President, the Vice President for Academic Affairs shall preside, and in his absence, the Chairman of the Executive Committee of the Faculty Senate.
3. ORDER OF BUSINESS. The ordering of business on the Agenda shall be done by the President, and matters may be taken up out of the announced order at the Chairman's discretion. A matter for debate that does not appear in the Agenda may be taken up only by a majority vote suspending the Rules of Procedure for that matter.
4. MEETINGS. Attendance at meetings of the Assembly shall be confined to members, except as individuals are invited by the President to attend, and subject to the Assembly's right to declare the meeting closed to nonmembers by a majority vote.

\*Adopted by the Faculty Assembly September 13, 1966; minor editorial changes made in March 1971 to conform the text to 1970 amendments to the Faculty Organization Plan.

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George Washington University:

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as amended to date by the Faculty Senate.

## SECTION 2. ORDER OF BUSINESS AND AGENDA

(a) The order of business for regular meetings of the Senate shall be as follows:

(1) Call to order

(2) Approval of the minutes of the previous meeting

(3) Special business; for example, matters postponed to this meeting

(4) Resolutions reported out of Committees, with reports if any

(5) Introduction of Resolutions

(6) General business; for example, announcements, nominations, elec-  
tions, appointments, and Committee reports unaccompanied by Resolutions

(7) Brief statements

(8) Adjournment

(b) The minutes of the previous meeting shall not be read aloud prior to their  
approval if written copies have been previously circulated to members of the  
Senate, unless the Senate shall by majority vote, without debate, order them to be  
read.

(c) The Executive Committee shall include in the Agenda for any meeting  
any matters requested by the President or by 20 percent of the members of the  
Senate. Arrangement of the Senate's business upon the Agenda within the above  
categories shall be the duty of the Executive Committee. Matters on the Agenda  
may be taken up out of order by a majority vote.

(d) The Agenda for a regular meeting shall be available to members in  
writing in the office of the Secretary, and a copy of the Agenda addressed to each  
member shall be put in the University mail, on the seventh day before the meeting  
day.

(e) The Agenda for a regular meeting shall be accompanied by copies of  
reported Resolutions scheduled for debate, including those that originate in Com-  
mittees and have not theretofore been introduced, and copies of Committee  
Reports submitted with Resolutions. If, at any regular meeting, any item of business  
is deemed sufficiently urgent by a majority of the faculty members of the Senate,  
or by two-thirds of the faculty members present and voting, whichever is the  
greater, action may be taken with regard thereto by the Senate at such meeting  
without its previous inclusion in the Agenda.

(f) The Agenda for a special meeting shall be prepared by the Executive  
Committee and may be incorporated in the call for the meeting. The minutes of a  
special meeting shall be approved at the next regular meeting. No Resolution, nor  
any item of business, not on the Agenda for the special meeting shall be considered  
by the Senate.

## SECTION 5. COMMITTEE REPORTS

(a) Committee Reports shall be of three kinds: Annual Reports, Final Reports, and Special Reports.

(1) Each Standing Committee and the Executive Committee shall submit an "Annual Report" of activities during the session. Resolutions attached to an Annual Report shall be the business of the Committee in the next session, and with the consent of the Committee's Chairman, the Resolutions may be put upon the Agenda of any meeting in the next session.

(2) Each Special Committee shall submit a "Final Report" to the Senate at the conclusion of its activities and shall, with submission of the Final Report, move to be discharged.

(3) A "Special Report" may be submitted by any Committee at any time, either in support of its reporting a Resolution, or by way of information to the Senate on the Committee's activities.

(b) A Committee Report must be adopted by a majority of the Committee and shall be submitted over the name of the Chairman, whether he concurs in the Report or not. The Chairman and members of the Committee may submit their separate views for attachment to the Committee Report over their separate names. A Committee Report shall be "submitted" when it is delivered in writing to the Chairman of the Executive Committee. Each Committee Report more than three double-spaced typewritten pages in length shall commence with a "Summary" not more than one such page in length for distribution to the Faculty Assembly.

(c) The submitted Committee Report shall be circulated to the members of the Senate and shall be included in the minutes at the next appropriate meeting, but it shall not be read aloud unless requested by a majority vote. No Senate action regarding a Committee Report as such shall be in order, whether to receive, adopt, or accept it. The appropriate manner of securing debate and adoption of a Committee's proposals shall be to frame them as Resolutions.

## SECTION 6. VOTING

(a) Elected members of the Senate shall be the voting members, except as provided below to break a tie vote.

(b) A "majority vote" shall be one vote more than one-half of the elected members present and voting, and a "quorum" shall consist of one-half of the elected members; and if "one-half" equals a fraction, the number required for a majority vote or a quorum shall be the next higher whole number.

(c) Voting shall ordinarily be by voice, with the presiding officer calling for the Ayes and Nays and declaring the result; except that any member, elected or ex officio, may call for a division of the Senate.

(d) Voting in a division of the Senate shall ordinarily be by show of hands, with the presiding officer appointing nonvoting tellers and announcing the Ayes and Nays. In a division of the Senate the presiding officer may, when he announces a tie vote, vote orally to break the tie vote.

a roll call vote shall be taken. The recording beside each name "Aye," presiding officer shall vote last and the Ayes and the Nays. The presiding officer shall vote.

may be taken. The Secretary as teller shall vote beside the presiding officer, who shall announce the Ayes and the Nays, the presiding officer shall vote orally to break the tie.

agenda as reported by a Committee, and no second or other motion is in order, ordinarily the Chairman, shall debate on the merits.

move to the Resolution or other motion, shall be in order of the question of germane.

and upon a majority vote if demanded, or a germane statement not to exclude any person.

at before the Senate at a regular session, in the procedures set out in Section 9, shall be within the competence of the Senate. Discussion of the statement. Other motions shall not be considered a motion to be considered debate. The order of business may be set in advance of the meeting, but need not, be set forth in the minutes of referral, but not the details

interrupted by the following motion: "I move to terminate discussion of the subject, which shall be amendable only in respect of

contrary in the Bylaws, the Senate shall be in order.

at the first regular meeting of the Senate and consent of the Senate. The Secretary shall advise on the Senate. He shall assist in the drafting of Resolutions.

(c) Rulings announced by the presiding officer shall govern the Senate unless appealed and overruled by a majority vote. It shall be the duty of the Parliamentarian to frame issues of procedure as proposed amendments to the Bylaws.

#### SECTION 9. AMENDMENTS

Amendments to the Bylaws may be introduced and referred to the Executive Committee, or they may be originated within the Executive Committee at the suggestion of the Parliamentarian, and they shall be treated as nearly as may be as Resolutions. Enactment shall be by a majority vote. Amendments shall not be considered under a suspension of the rules of order.

#### SECTION 10. STANDING COMMITTEES

There shall be standing committees for the following areas: Administrative Matters as They Affect the Faculty; Appointment, Salary, and Promotion Policies; Athletics; Educational and Admissions Policy; Fiscal Planning and Budgeting; Honors and Academic Convocations; Libraries; Physical Facilities; Professional Ethics and Academic Freedom; Research; Student Financial Aid; University Development and Resources; and University and Urban Affairs.

Other standing committees created by the Senate shall continue in force.

Although members of standing committees are elected for terms not exceeding one year, it is the sense of the Senate that a greater degree of continuity and consistency in the transaction of committee business will be assured if elected members consider it an obligation to stand for re-election to the same committee at least once.

All standing committees shall hold at least one meeting at the beginning of each Senate Session.

(Revision of the 1996 Faculty Code by Faculty Senate Resolution 99/2 dated 12/10/99 and Faculty Senate Resolution 00/2 dated 10/13/00 and by Board of Trustees Action, adopted October 20, 2000)

*Faculty Code*

...

**X. RIGHTS, PRIVILEGES, AND RESOLUTION OF DISPUTES UNDER THIS CODE**

**A. Rights and Privileges Under This Code**

The rights, privileges, and responsibilities of a faculty member, as conferred by this Code, shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities shall first be considered by the faculty member or members concerned, or by appropriate representatives of the faculty, in cooperation with the responsible administrative officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article shall be fully utilized.

**B. Grievances**

To maintain a grievance, the complaining party must allege that he or she has suffered a substantial injury resulting from violation of rights or privileges concerning academic freedom, research or other scholarly activities, tenure, promotion, reappointment, dismissal, or sabbatical or other leave, arising from:

1. Acts of discrimination prohibited by federal or local law;
2. Failure to comply with the Faculty Code, or Faculty Handbook, or other rules, regulations, and procedures established by the University;
3. Arbitrary and capricious actions on behalf of the University, or arbitrary and capricious applications of federal or local statutes and regulations; or
4. Retaliation for exercise of Code-protected rights.

## *Procedures for the Implementation of the Faculty Code*

### **E. Procedures for Implementation of Article X of the Faculty Code**

#### **1. Informal Resolution**

Before instituting a formal grievance, the aggrieved party shall make all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.

#### **2. Dispute Resolution Committee**

The Faculty Senate shall elect a Dispute Resolution Committee of fifteen tenured, active-status faculty members, no more than three of whom shall be members of the faculty of any one school (except that four may be members of the faculty of Columbian School and four may be members of the Law School) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chair of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the dispute resolution procedures.

#### **3. Preliminary Proceedings**

If informal consultation fails to resolve the matter or if the aggrieved party concludes that such consultation is not feasible or would be futile, the aggrieved party shall refer the dispute to the Dispute Resolution Committee by means of a letter addressed to the Chair with copies sent to the Chair of the Executive Committee of the Faculty Senate and to the Vice President for Academic Affairs on behalf of the University. The letter shall identify the general nature and circumstances of the dispute. Unless either the University or the aggrieved party objects, the Chair of the Dispute Resolution Committee shall promptly appoint a special mediator of appropriate qualifications to assist the University and the aggrieved party to resolve the dispute. The Special mediator shall report to the chair of the dispute resolution committee that a mutually satisfactory solution has been achieved,



in which case the grievance shall be dismissed, or that efforts at mediation were unsuccessful.

#### **4. Formal Proceedings**

##### **a) Commencement of Proceedings**

1) If either party declines to mediate or to continue to mediate, or if efforts at mediation are unsuccessful, the aggrieved party may commence formal proceedings by means of a grievance sent to the Chair of the Dispute Resolution Committee, with copies sent to the Chair of the Executive Committee of the Faculty Senate and to the Vice President for Academic Affairs on behalf of the University.

2) The grievance shall identify the aggrieved party as the "Grievant" and shall name The George Washington University as the "Respondent." A grievance may not be brought against faculty members of the University, acting in their individual capacities as faculty members. Consistent with Article X.B., a grievance may only be maintained against the University for official acts. The Vice President for Academic Affairs shall identify the appropriate faculty member or administrative official who shall act on behalf of the University as Respondent.

3) The grievance shall set forth with particularity the nature of the dispute, specifying, consistent with Article X.B., the rights or privileges under the Faculty Code alleged to have been violated, the specific act or acts alleged to constitute the violation, and the remedy sought. The grievance shall also set forth the Grievant's efforts to resolve the dispute informally, or if no such efforts were made, the reasons for failing to make such efforts. No grievance may be maintained on the basis of error that did not affect the substantial rights of the Grievant.

4) Within twenty calendar days of receipt of the grievance the University shall reply in writing, sending copies of the reply to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the Grievant. The reply shall set forth with particularity the position of the University with respect to each allegation of the grievance.

b) Hearing Committee and Hearing Officer

1) Within a reasonably prompt period of time, ordinarily within ten calendar days of receipt of the grievance and reply, the Chair of the Dispute Resolution Committee shall, appoint a Hearing Committee of three members from among the members of the Dispute Resolution Committee. The Chair of the Dispute Resolution Committee shall designate one member of the Hearing Committee to serve as the presiding Hearing Officer. The Hearing Officer shall have appropriate experience and training but need not be an attorney. The Hearing Officer, in addition to serving as a full member of the Hearing Committee, shall assure an orderly, expeditious, and relevant hearing, assure the development of a complete, fair, and reliable record, and advise the Hearing Committee as to issues of substance and procedure.

2) No member of the same department as the Grievant shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by peremptory challenge. Any party may also seek to disqualify any member of the Hearing Committee for cause. The Chair of the Dispute Resolution Committee shall decide any challenges for cause, based on written submissions from the parties. The Chair of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of the grievance and reply, the Hearing Officer shall convene the Hearing Committee to review the grievance. If a majority of the Hearing Committee, after an opportunity for argument by the parties, finds that the grievance does not allege facts sufficient to state a grievance under the Code, or that the grievance is based on evidence or allegations substantially the same as those that have previously been heard or decided, or that could have been presented in a previous hearing, the grievance shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If a majority of the Dispute Resolution Committee, after an opportunity for argument by the parties, agrees that for any of the

reasons set out in this section a hearing is not warranted, the grievance shall be dismissed, in whole or in part, and the matters dismissed shall be deemed closed.

4) On the determination that a hearing is warranted, the Hearing Officer shall promptly convene the Hearing Committee, which shall establish a schedule for the hearing. Grievances shall be heard and decided with reasonable dispatch, and, ordinarily, shall be completed by the Hearing Committee within three months after the determination that a hearing is warranted. However, due consideration shall be given to the University's normal academic calendar.

5) Members of the Hearing Committee shall be present during the hearings and deliberations of the Committee, except that the presence during part of the proceedings of one of the two not serving as the Hearing Officer may be waived by agreement of the parties.

6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of procedure necessary to the conduct of the hearing, subject to being overridden by the other two members of the Hearing Committee; to control the development of testimony and of evidence in the record; to prepare or assign the writing of an opinion on behalf of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer is a full member of the Hearing Committee, and the Hearing Committee shall decide all ultimate questions of fact, substance, procedure, or policy, by majority vote. The Hearing Officer shall sign dispositive orders on behalf of the Hearing Committee.

7) Members of the Hearing Committee, members of the Dispute Resolution Committee, and the parties shall avoid ex parte communications bearing on the substance of the dispute.

#### c) Procedure for Hearings

1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.

2) A grievance procedure is not a formal judicial proceeding. Its purpose is to provide a fair evaluation of an allegation that a right or privilege has been violated. In order to achieve that end, the Hearing Committee shall have authority to call any material witness who is a member of the University faculty, administration, or staff and any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties. The University will make a reasonable effort to facilitate the appearance of all faculty, administration, and staff reasonably called to testify.

3) The procedure at the hearings shall be informal but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence that is not privileged. The Hearing Committee may decline to consider evidence when its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf; to call as material witnesses any member of the University faculty, administration, or staff and any other person who is willing to testify; to present written and other evidence; and to cross-examine witnesses called by other parties. A party shall be entitled to inspect and copy, in advance of the hearing, all relevant documents in the control of the other party and not privileged and may offer such documents or excerpts therefrom in evidence.

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record or tape recording of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party or the Hearing Committee, the Hearing Committee shall determine that it is in the best interest of the University and the parties that the hearings be closed.

7) At the conclusion of the presentation of evidence and argument from both sides, the Committee shall convene in closed session to deliberate and reach a decision. In rendering its decision, the Hearing Committee shall not substitute its judgment for that of the maker of the decision being challenged. Rather it shall determine whether the

2) A grievance procedure is not a formal judicial proceeding. Its purpose is to provide a fair evaluation of an allegation that a right or privilege has been violated. In order to achieve that end, the Hearing Committee shall have authority to call any material witness who is a member of the University faculty, administration, or staff and any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties. The University will make a reasonable effort to facilitate the appearance of all faculty, administration, and staff reasonably called to testify.

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7) At the conclusion of the presentation of evidence and argument from both sides, the Committee shall convene in closed session to deliberate and reach a decision. In rendering its decision, the Hearing Committee shall not substitute its judgment for that of the maker of the decision being challenged. Rather it shall determine whether the

Grievant has established by clear and convincing evidence that he or she has suffered a substantial injury pursuant to Article X.B.

8) The Hearing Committee shall render its findings and recommendations in a written opinion that shall state the number of members subscribing to the opinion and shall include dissenting opinions, if any. This opinion shall be submitted to the Chair of the Dispute Resolution Committee, and copies shall be transmitted to the parties and to the Chair of the Executive Committee of the Faculty Senate.

9) The hearing procedures shall be concluded and the Hearing Committee's findings and recommendations shall be rendered as soon as practicable.

## **5. Appeals**

a) Any party may appeal the findings and recommendations of the Hearing Committee by filing a notice of appeal with the Chair of the Dispute Resolution Committee and sending copies thereof to the Chair of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten calendar days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by members of the Dispute Resolution Committee who were not members of the Hearing Committee, provided that members of the Dispute Resolution Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as the Grievant shall not participate in the hearings of the appeal. A quorum for hearing an appeal shall be two-thirds of those members of the Dispute Resolution Committee eligible under the terms of this section.

c) The parties to an appeal shall be entitled to present written and oral argument. However, evidence not introduced in the hearing may not be considered on appeal.

d) The Dispute Resolution Committee shall decide by majority vote and render an opinion in writing, sustaining, modifying, overruling, or remanding the decision of the Hearing Committee.

## **6. Recommendations**

A Hearing Committee and the Dispute Resolution Committee may recommend that the University action being challenged be upheld, modified, reconsidered or remanded under specified conditions, or reversed, in whole or in part. A Hearing Committee and the Dispute Resolution Committee may not include as part of their recommendations any monetary damages, punitive damages, or any other

actions or measures outside of the scope of the underlying University action being challenged.

## **7. Final Disposition**

In the absence of a timely appeal filed by either party from a decision of a Hearing Committee, or after a decision of the Dispute Resolution Committee, such decision shall be transmitted to the parties, to the Chair of the Executive Committee of the Faculty Senate, and to the Vice President for Academic Affairs. The decision of the relevant Committee shall be deemed final and shall be implemented by the University unless the Vice President for Academic Affairs determines that there are compelling reasons not to implement the relevant Committee's decision. In the event of such a determination, the Vice President shall transmit his or her determination (including an explanation of such compelling reasons) and recommendation, and the record of the case through the President of the University to the Board of Trustees, or, at the election of the Grievant, solely to the President, with copies to the Grievant and the Chairs of the Dispute Resolution Committee and the Executive Committee of the Faculty Senate, for a prompt decision of the President or the Board of Trustees.